Copper Flat Copper Mine Draft Environmental Impact Statement

Comments from the Bureau of Reclamation, Albuquerque Area Office, dated March 3, 2016

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Lined tailings storage facility = The location of the mine about 15 miles to the west of Caballo Reservoir and the Rio Grande is of concern. As stated on page 2-19 the TSF will be monitored based on state and federal rules, but will there be any specific monitoring locations established before flows enter the Rio Grande or Caballo Reservoir pool? Is there a long term monitoring plan capable of detecting any contaminants after the mine is closed before reaching the river/reservoir?

Water rights approval = Section 1.6.3, page 1-11, begins a critical component of this EIS. NMCC needs 7,376 acre feet and OSE allowed 888.783. How this difference is met by NMCC should be evaluated in the EIS. Reclamation can imagine different ways NMCC may obtain the water they need for mining purposes and/or for offsetting depletions; that water then becomes part of the proposed action and should be assessed in the EIS. Agencies like OSE/ISC, MMD, NMED, NMDGF, Rio Grande Compact Commission, Reclamation, irrigation districts, and others (federal, state, local agencies), as appropriate, should be coordinated with when the NMCC finalizes their water supplies under their three options listed.

Surface water supply = On page 2-25 begins the description of the water supply needed for the mine. On table 2-11 the yearly use of 13,370 acre feet will need 3,802 acre feet from groundwater wells, to the east of the mine about 3 to 5 miles from Caballo Reservoir. On page 2-83, alternative 2 will need 22,210 acre feet with 6,105 acre feet coming from groundwater. Section 3.5.2. describes the effects from groundwater pumping. Tables 3-15 and 3-16 show impacts to surface water depletion volumes upstream and downstream of Caballo Dam. How are those depletions going to be covered?

On pages 3-55 and 3-56 it states that "However, the predicted reductions in groundwater discharge are expected to have a more notable effect on the Rio Grande, reducing surface water flows and potentially the amount of water stored behind Caballo Reservoir." This is a crucial broad assertion which needs to be followed by an assessment of impacts to the Rio Grande and Caballo Reservoir. What is notable effect? Impacts to the river and the reservoir could impact T&E species habitat in the reservoir, or impacts could occur to the irrigation storage/delivery during summer and/or winter, or in these drought period groundwater pumping could add to loses from the reservoir. In time of drought, when the entire Rio Grande supply is low and Elephant Butte and Caballo Reservoirs are at their lowest elevations, these proposed groundwater depletions from the mine pumping need to be assessed. Figure 3-8, page 3-60, alt 2, depicts impacts for the period 2015 to 2115, with a crucial period of about 10 years between 2017 to 2035 (above 250 acre feet per yr change), which needs to be analyzed in the EIS. What are the impacts to the river, the reservoir, and to the farmers below the dam from this change in storage and flow under the alternatives?

Section 3.6 has lots of good information on the groundwater issues. The key questions we could not find answers to are; What are the specific impacts to the Rio Grande above and below Caballo Reservoir in this time of drought? Will the storage in Caballo Reservoir change enough, due to the groundwater pumping for the mine, that the vegetation around the reservoir will be impacted? Will irrigation storage and delivery be affected by the groundwater changes? Will there be differences during summer and winter pumping rates or is pumping a constant yearly activity? If there is a "more notable effect to the Rio Grande or reservoir" what is the process for detection of the effects and how are they going to be dealt with?

Section 3-10 and 3-11 and 3-12 describe the impacts from the proposed mine alternatives on wildlife, vegetation, wetlands, and threatened/endangered species. Throughout the EIS there is information on groundwater impacts above/below Caballo Reservoir, but it seems to be an area that was left out of the analysis. Page 3-95, figure 3-21b, depicts groundwater discharge to the Rio Grande above and below Caballo changing from 2015 to 2040 by up to about 2,000 acre feet per year which is not analyzed in the EIS. Maybe that value is not significant or is hard to measure or there are no impacts, but it needs to be analyzed as part of the proposed action. The analysis in the EIS and in the environmental surveys focused on the mine area, not on this area about 15 to 20 miles from the mine. Maybe NMCC finds a water source different than the groundwater and there are no impacts, but as presented in the EIS the groundwater east of the mine is at this time the only source described and is the key component to the mining process.

Closure of the mine = If the tailings left at the mine may cause some contamination towards the east then those areas along drainages or subsurface need to monitored long term under section 2.1.15.7. The EIS should include the post closure monitoring requirements set by BLM and OSE and NMED, and the proposed plan to meet those requirements.